

MELINDA HAAG (CABN 132612)
United States Attorney

MIRANDA KANE (CABN 150630)
Chief, Criminal Division

KEVIN J. BARRY (CABN 229748)
Assistant United States Attorney
450 Golden Gate Ave., Box 36055
San Francisco, California 94102
Telephone: (415) 436-7200
Fax: (415) 436-7234
E-Mail: kevin.barry@usdoj.gov

Attorneys for the United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHNNY RAY BURTON, and
DAWN MCCANN,

Defendants.

No. CR 12-0406 MMC

**STIPULATION AND ~~PROPOSED~~
ORDER CHANGING HEARING DATE
AND EXCLUDING TIME**

The Court has set May 1, 2013, as the date for a further status hearing or a change of plea in this matter. The government will be making plea offers and finalizing discovery in the next day, and the parties will be prepared for changes of plea or motions / trial setting in three weeks, on May 29, 2013.

The parties further request that time between these dates be excluded from any time limits applicable under 18 U.S.C. § 3161, for the purpose of effective preparation. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

1
2 SO STIPULATED:

3 MELINDA HAAG
4 United States Attorney

5 DATED: April 30, 2013

6 /s/
7 KEVIN J. BARRY
8 Assistant United States Attorney

9 DATED: April 30, 2013

10 /s/
11 JULIA MEZHINSKY JAYNE
12 Attorney for JOHNNY RAY BURTON

13 DATED: April 30, 2013

14 /s/
15 GEORGE BOISSEAU
16 Attorney for DAWN MCCANN

17 ~~PROPOSED~~ ORDER

18 For the reasons stated above, the Court sets a change of plea or motions / trial setting date
19 for May 29, 2013. It also finds that exclusion from the time limits applicable under 18 U.S.C. §
20 3161 of the period from May 1, 2013 through May 29, 2013, is warranted and that the ends of
21 justice served by the continuance outweigh the best interests of the public and the defendant in a
22 speedy trial. 18 U.S.C. §3161(h)(7)(A). The failure to grant the requested exclusion of time
23 would deny counsel for the defendant and for the government the reasonable time necessary for
24 effective preparation, taking into account the exercise of due diligence, resulting in a miscarriage
25 of justice. 18 U.S.C. § 3161(h)(7)(B)(iv).

26 IT IS SO ORDERED.

27 DATED: April 30, 2013

28 
THE HONORABLE MAXINE M. CHESNEY
United States District Judge